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EXAMINER

PRONE, JASON D

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/648,686
Filing Date: August 25, 2003
Appellant(s): STILES, SHARIDAN LORRAINE

Brenden Gingrich
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 19 February 2008 appealing from the Office action mailed 03 October 2007.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

The instant application claims priority as a continuation-in-part of 10/219,095 (now abandoned). With regards to 10/219,095, on 26 July 2004, an Appeal Brief was submitted and was assigned Appeal No: 2006-1474.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

D259,743	HOLLINGER	6-1981
4,700,477	HELLER	10-1987
4,785,534	LAZARCHIK	11-1988
D169,147	LAMB	3-1953
2,139,680	HEINRICH	12-1938
4,461,078	CARREKER	7-1984
4,335,509	SMITH	6-1982

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 5, 7, 8, 21, and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger (D259,743) in view of Heller (4,700,477). (See Appendix A for examiner added reference numerals to Hollinger.) In regards to claim 1, Hollinger discloses the invention including a handle portion having lower (102), middle (101), and upper longitudinal portions (100), a head portion having a razor blade with a straight cutting edge attached to the upper portion (14), the head portion and razor blade are capable of shaving hair (Title), the cutting edge of the razor blade is substantially perpendicular to a longitudinal axis of the handle (Fig. 2), the lower longitudinal portion extends along a first axis (C), the middle longitudinal portion extends along a second axis (B), the upper longitudinal portion extends along a third axis (A), the second and third axes form a fixed extension angle that is less than 90° (104), the extension angle is defined by a portion of the second axis starting from the intersection of the second and third axes extending towards an intersection of the first and second axes (B') and a

portion of the third axes starting from the intersection of the second and third axes and extending toward the razor head (A'), the extension angle faces the front of the razor (104), the first and second axes intersect at a single point and form a fixed contour angle that is less than 180° (105), and the contour angle is defined by a portion of the first axis starting from the intersection of the first and second axes and extending toward an end of the razor handle portion (C') and a portion of the second axis starting from the intersection of the first and second axes and extending toward the intersection of the second and third axes (B').

In regards to claims 2, 5, 7, 8, and 38, Hollinger discloses the invention including the head portion is disposable (14), the length of the upper longitudinal portion is greater than the width of the head portion (100 and Fig. 3), the lower longitudinal portion has a first curved shape (102) and the middle portion has a second curved shape (101), the curved shaped form an ergonomical grip (101 and 102), a glide surface area and a blade area (Fig. 2), the glide area is larger than the blade area (all portions of the head that are not in direct contact with the blade is considered part of the glide area), and the cutting edge extends beyond the head portion (this is inherent or the blade could not cut) such that no portion of the head portion extends beyond the cutting edge and no part of the razor obstructs the cutting edge (Fig. 1).

However, with respect to claims 1 and 21, Hollinger fails to disclose the head portion is equal to or less than $\frac{1}{4}$ " wide.

Heller teaches it is old and well known in the art of razors to incorporate a head portion is that equal to or less than $\frac{1}{4}$ " wide (Column 2 lines 27-28). Therefore, it would

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have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Hollinger with the head portion, as taught by Heller, because all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

Claims 3 and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger in view of Heller as applied to claim 1 above, and further in view of Lazarchik (4,785,534). Hollinger in view of Heller disclose the invention but fail to the head portion is pivotally mounted on the handle portion and Hollinger is silent with respect to the number of blades so Hollinger in view of Heller fail to disclose a second razor blade mounted parallel to the razor blade.

Lazarchik teaches it is old and well known in the art of razors to incorporate a head portion that is pivotally mounted on the handle portion (Abstract lines 1-2) and a second razor blade mounted parallel to the razor blade (8). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Hollinger in view of Heller with the head portion specifics, as taught by Lazarchik, because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

Claims 4, 27, 33, 35, 37, and 39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger in view of Heller. (See Appendix B for examiner added reference numerals to Hollinger.) In regards to claim 4, Hollinger discloses the invention including a handle portion having lower (102), middle (101), and upper longitudinal portions (100), a head portion having a razor blade with a straight cutting edge attached to the upper portion (14), the head portion and razor blade are capable of shaving hair (Title), the cutting edge of the razor blade is substantially perpendicular to a longitudinal axis of the handle (Fig. 2), the lower longitudinal portion extends along a first axis (C), the middle longitudinal portion extends along a second axis (B), the upper longitudinal portion extends along a third axis (A), the second and third axes form a fixed extension angle that is greater than 90° (104), the extension angle is defined by a portion of the second axis starting from the intersection of the second and third axes extending towards an intersection of the first and second axes (B') and a portion of the third axes starting from the intersection of the second and third axes and extending toward the razor head (A'), the extension angle faces the front of the razor (104), the first and second axes intersect at a single point and form a fixed contour angle that is less than 180° (105), and the contour angle is defined by a portion of the first axis starting from the intersection of the first and second axes and extending toward an end of the razor handle portion (C') and a portion of the second axis starting from the intersection of the first and second axes and extending toward the intersection of the second and third axes (B').

In regards to claims 33, 35, 37, and 39, Hollinger discloses the invention including the head portion is disposable (14), the length of the upper longitudinal portion is greater than the width of the head portion (100 and Fig. 3), a glide surface area and a blade area (Fig. 2), the glide area is larger than the blade area (all portions of the head that are not in direct contact with the blade is considered part of the glide area), and the cutting edge extends beyond the head portion (this is inherent or the blade could not cut) such that no portion of the head portion extends beyond the cutting edge and no part of the razor obstructs the cutting edge (Fig. 1).

However, with respect to claims 4 and 27, Hollinger fails to disclose the head portion is equal to or less than $\frac{1}{4}$ " wide.

Heller teaches it is old and well known in the art of razors to incorporate a head portion is that equal to or less than $\frac{1}{4}$ " wide (Column 2 lines 27-28). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Hollinger with the head portion, as taught by Heller, because all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

Claims 34 and 36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger in view of Heller as applied to claim 4 above, and further in view of Lazarchik. Hollinger in view of Heller disclose the invention but fail to the head portion is pivotally mounted on the handle portion and Hollinger is silent with respect to the

number of blades so Hollinger in view of Heller fail to disclose a second razor blade mounted parallel to the razor blade.

Lazarchik teaches it is old and well known in the art of razors to incorporate a head portion that is pivotally mounted on the handle portion (Abstract lines 1-2) and a second razor blade mounted parallel to the razor blade (8). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Hollinger in view of Heller with the head portion specifics, as taught by Lazarchik, because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

Claims 10 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Lamb (Des. 169,147). (See Appendix C for examiner added reference numerals to Heller.) In regards to claim 10, Heller discloses the invention including a handle portion (10), a head portion attached to the handle portion and formed with at least one razor blade having a straight cutting edge (14 and 16), the head portion is less than ½ inch wide (Column 2 lines 27-30), the cutting edge of the razor blade is substantially perpendicular to a longitudinal axis of the handle (22 and C), the handle portion is capable of providing increased control over the head portion during shaving (Fig. 1), the handle portion further comprises a lower longitudinal portion of a

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first curved shape (102a), a middle longitudinal portion of a second curved shaped attached lengthwise to the lower longitudinal portion (101a), and a waist portion is formed between the first and second curved shape (101).

In regards to claim 23, Heller discloses the head portion has a width of less than $\frac{1}{4}$ inch (Column 2 lines 27-30).

However, Heller fails to disclose an ergonomically shaped handle and the handle portion has a front perspective that is substantially hour-glass in shape.

Lamb teaches that it is old and well known in the art of razor handles to incorporate an ergonomically shaped handle and the handle portion has a front perspective that is substantially hour-glass in shape (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Heller with the an ergonomically shaped handle, as taught by Lamb, the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

Claims 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Lamb as applied to claim 10 above, and further in view of Heinrich. Heller in view of Lamb disclose the invention but fail to disclose a replaceable head portion and the head portion is pivotally mounted on the handle portion.

Heinrich teaches a replaceable head portion (16) that is pivotally mounted on the handle portion (13). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Heller in view of Lamb with a replaceable pivoting head portion, as taught by Heinrich, the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Lamb as applied to claim 10 above, and further in view of Carreker. Heller in view of Lamb disclose the invention but fail to disclose a second razor blade mounted substantially parallel to the razor blade.

Carreker teaches that it is old and well known for miniature grooming shaving heads to incorporate a second razor blade mounted substantially parallel to the razor blade (21). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Heller in view of Lamb with a second blade, as taught by Carreker, the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

Claims 22 and 28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger in view of Heller. Hollinger in view of Heller disclose the invention but fails to disclose a head portion that is equal to or less than $1/8$ inch wide. It is noted that $1/8 = 2/16$. Heller discloses the width to be approximately $3/16 - 1/4$. Approximately roughly means near and $2/16$ is near $3/16$. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion $1/8$ inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion $1/8$ inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either width because they both perform the function of facilitating the shaving operation. Therefore, it would have been an obvious matter of design choice to modify the device of Heller to obtain the invention as specified in claims 22 and 28. The claim would have been obvious because a person of ordinary skill has good reason to pursue the known options within technical grasp. If this leads to the anticipated success, it is likely the product is not of innovation but of ordinary skill and common

sense. In this case, it is common sense to reduce the size of a blade to fit in a smaller area.

Claims 10 and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger in view of Heller and Smith (4,335,509). (See Appendix A for examiner added reference numerals.) In regards to claim 10, Hollinger discloses the invention including a handle portion (100-102), a head portion attached to the handle portion and formed with at least one razor blade having a straight cutting edge (14), the cutting edge of the razor blade is substantially perpendicular to a longitudinal axis of the handle (Fig. 2), the handle portion is capable of providing increased control over the head portion during shaving (Fig. 1), the handle portion further comprises a lower longitudinal portion of a first curved shape (102), and a middle longitudinal portion of a second curved shaped attached lengthwise to the lower longitudinal portion (101).

In regards to claim 40, Hollinger discloses the cutting edge extends beyond the head portion (this is inherent or the blade could not cut) such that no portion of the head portion extends beyond the cutting edge and no part of the razor obstructs the cutting edge (Fig. 1).

However, Hollinger fails to disclose the head portion is less than or equal to $\frac{1}{2}$ " wide and a substantially hour-glass shaped handle portion with a waist in between the lower and middle longitudinal portions.

Heller teaches it is old and well known in the art of razors to incorporate a head portion is that equal to or less than $\frac{1}{2}$ " wide (Column 2 lines 27-28). Therefore, it would

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have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Hollinger with the head portion, as taught by Heller, because all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

Smith teaches it is old and well known in the art of razor handles to incorporate a substantially hour-glass shaped handle portion with a waist in between the lower and middle longitudinal portions (Figs. 1-3). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Hollinger with the handle portion, as taught by Smith, because all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

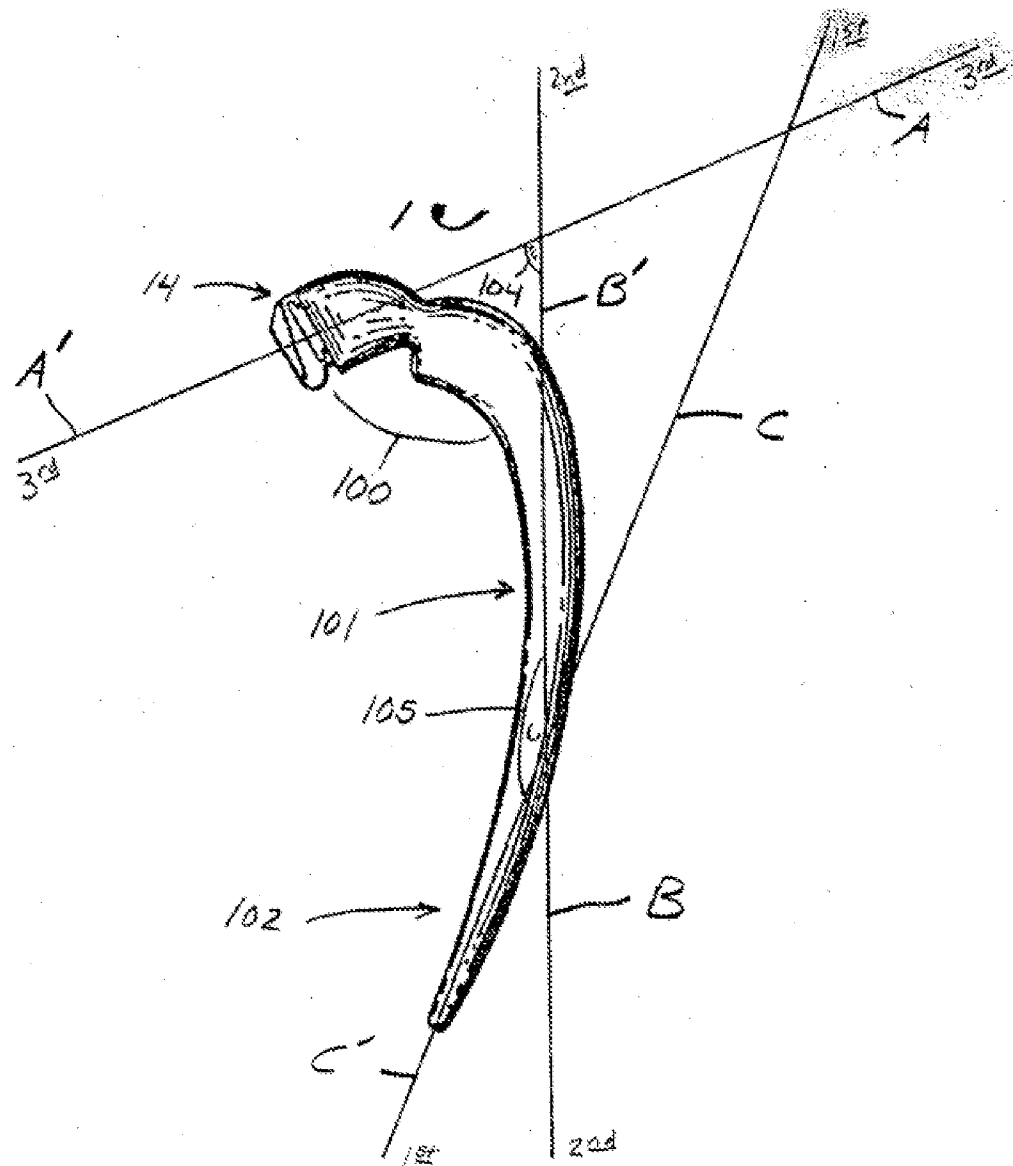
Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Lamb. Heller in view of Lamb disclose the invention but fail to disclose a head portion that is equal to or less than $1/8$ inch wide. It is noted that $1/8 = 2/16$. Heller discloses the width to be approximately $3/16 - 1/4$. Approximately roughly means near and $2/16$ is near $3/16$. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion $1/8$ inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are

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disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion 1/8 inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either width because they both perform the function of facilitating the shaving operation. Therefore, it would have been an obvious matter of design choice to modify the device of Heller to obtain the invention as specified in claim 24. The claim would have been obvious because a person of ordinary skill has good reason to pursue the known options within technical grasp. If this leads to the anticipated success, it is likely the product is not of innovation but of ordinary skill and common sense. In this case, it is common sense to reduce the size of a blade to fit in a smaller area.

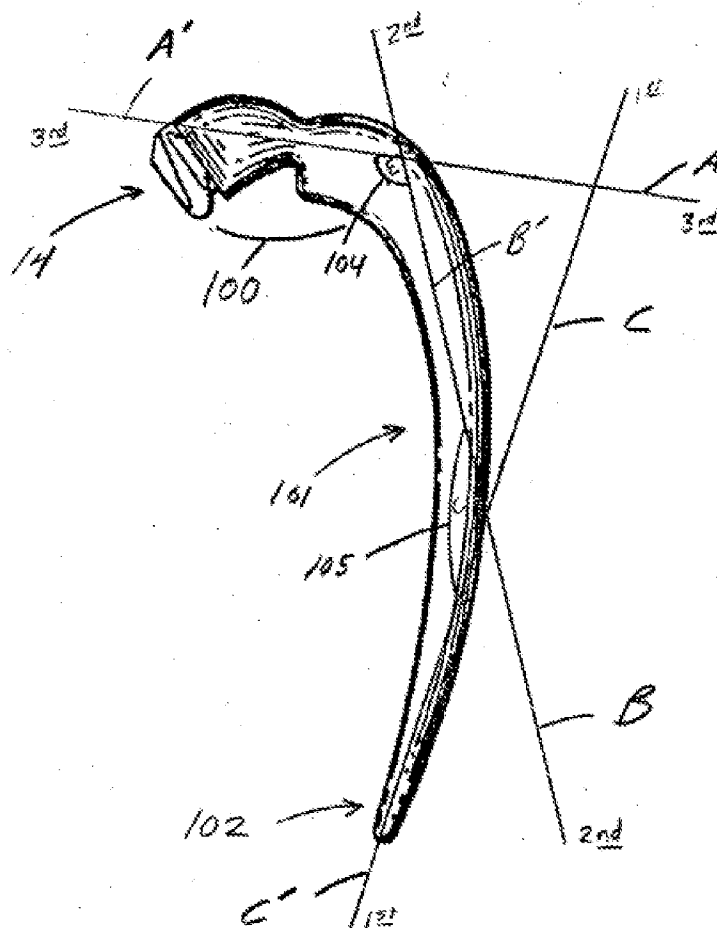
Below are copies of Appendix A, Appendix B, and Appendix C that contain reference numerals used in the rejections listed above.

Appendix A

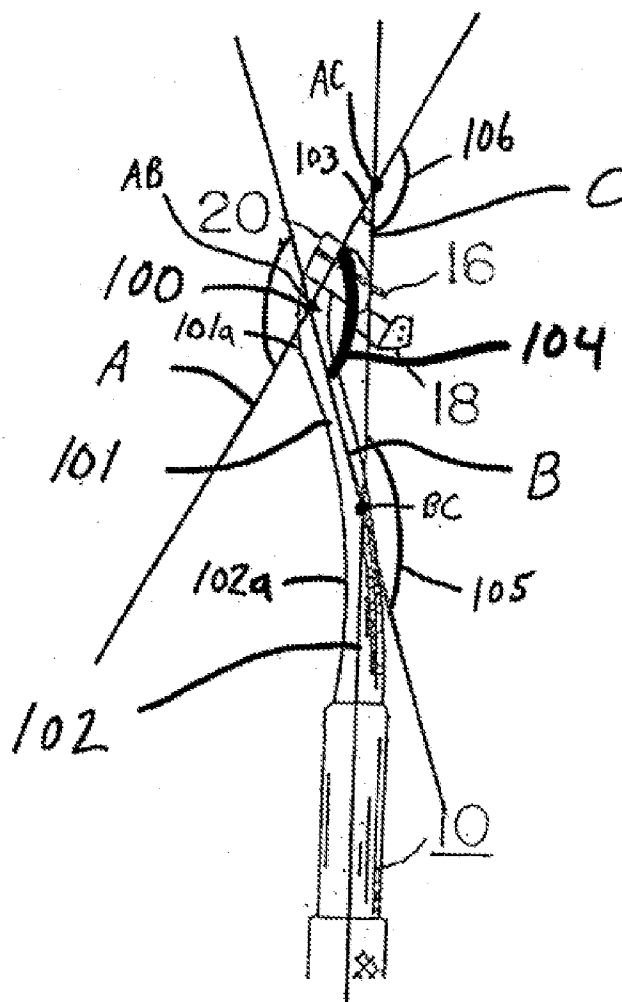


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Appendix B



Appendix C



(10) Response to Argument

With regards to independent claims 1, 4, and 10, Hollinger clearly discloses a lower longitudinal portion, a middle longitudinal portion, and an upper longitudinal portion. All things have upper, middle, and lower portions regardless of shape. Next, the claim recites the lower longitudinal portion extends along a first axis, the middle longitudinal portion extends along a second axis, and the upper longitudinal portion extends along a third axis. However, the claim does not recite any specifics with regards to the placement of the axes. For example, the claim does not specify that first axis is the axis or any axis of the lower longitudinal portion only that the lower longitudinal portion must *extend along* a first axis. This first axis can be anywhere as long as the lower portion extends along it. An item does not have to be in contact with another item to extend along it. For example, using a simple graph with an X-axis and a Y-axis, if a line extends between points (1,1) and (2,5), the line extends along the X-axis even though the line does not contact the X-axis. Basically, two things that are next to one another extend along one another. Dictionary.com defines axis as: A reference line from which distances or angles are measured in a coordinate system. In light of this definition and the claims lack of specifics with regards to the placement of the axes, any line can represent first/second/third axis as long as the lower/middle/upper portion has a component that extends along the respective line. Using applicants Figure 6A, as claimed axes 33, 35, and 37 are not the only interpretations of the first, second, and third axes. For example, axis 37 forms an angle (A) of less than 90° with axis 33, however, a line that forms a 90° with axis 33 still meets the claimed limitation of the third

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axis since an upper longitudinal portion 36 has a component that extends along a line that forms a 90° with axis 33. Using Appendix A, the apparatus of Hollinger is a continuous curve that clearly has a lower portion (102), a middle portion (101), and an upper portion (100). As described above, the claims only disclose that these portions extend along an axis. That being said, lower portion (102) clearly extends along axis (C), the middle portion (101) clearly extends along axis (B), and the upper portion (100) clearly extends along axis (A). In light of the way the claims disclose the axes relative to the lower/middle/upper portions, there are an infinite number of axes that meet the claimed limitations. Meaning, axis A may be interpreted as shown in Appendix A or as shown in Appendix B because the upper portion extends along both of these axes. Appellant states that the structure of Figure 6a has identifiable lower, middle, and upper longitudinal portions that extend along a first, second, and third axis and the continuous curved apparatus of Hollinger has no separately identifiable longitudinal portions. A lower, middle, and upper portion of any object is identifiable. Appendix A and B could not have been made if these portions could not be identified. The claim does not disclose that the individual portions must have different shapes or any other type of structure that creates boundaries that section off the upper, middle, and lower portions from each other only that these portions extend along a respective axis. Once again, this time using Appendix B, lower portion (102) clearly extends along axis (C), the middle portion (101) clearly extends along axis (B), and the upper portion (100) clearly extends along axis (A). The claims do not incorporate any structure that prevents the

examiner's interpretation with respect to the placement of axes A, B, and C in Appendix A and B.

With regards to the combination of Hollinger in view of Heller, Heller is only used to teach that it is old and well known in the art of shaving razors to incorporate a head portion is that equal to or less than $\frac{1}{4}$ " wide (Column 2 lines 27-28). The operating angle of the blade, the handle, and the intended use of Heller is not being taught to Hollinger. Heller clearly discloses that a head portion of a razor is equal to or less than $\frac{1}{4}$ " wide (Column 2 lines 27-28) is old and well known and teaches this to Hollinger.

The head portion of Hollinger is disposable. The claim does not disclose any structural limitations with regards to the head portion (i.e head portion is removably attached), it only discloses the head portion is disposable. All things are disposable. All things can be thrown away or gotten rid of. The entire apparatus of Hollinger can be disposed of. Since the head portion is part of the entire apparatus, the head portion is disposable. The fact that an item is disposable is an intended use of the item. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The apparatus of Hollinger is capable of being thrown away and is, therefore, disposable.

Using Appendix A, lower portion (102) is clearly curved and, therefore, has a first curved shape. Middle portion (101) is clearly curved and, therefore, has a second curved shape. The claim does not disclose that the first curved shape must be a

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different shape than the second curved shape. Together the combination of the first curved shape and the second curved shape clearly form an ergonomical grip. With regards to Appellant's arguments that the Hollinger only incorporates a single continuous curve not a first and second curved shape, it is clearly shown in Figure 6A, that appellant's apparatus is a single continuous curve as well and with this logic could not incorporate a first curved shape and a second curved shape because these curves belong to one continuous curve.

With regards to claims 38 and 39, appellant is using Patent 4,785,534 as evidence that portions of the razor head extend beyond the blades of Hollinger. Patent 4,785,534 is clearly more complex and incorporates additional structure that Hollinger does not incorporate. The blade of Hollinger must extend out from the razor head some distance (even if microscopically) so a cut can be made. Carreker (4,461,078), which incorporates, a simpler razor head and incorporates structure along the lines of the razor head of Hollinger, clearly shows in Figure 3 that it is normal for blades to extend past the razor head.

The section labeled "2e" and refers to claims 38 and 39. This is a typo and should refer to claims 22 and 28 as later stated. Heller teaches to Hollinger a head portion with of approximately $\frac{3}{16}$ inches. $\frac{1}{8} = \frac{2}{16}$ inches and $\frac{2}{16}$ inches is approximately $\frac{3}{16}$ inches. Meaning it would have been obvious to one of ordinary skill in the art to have tried/experimented with a width $\frac{1}{16}$ of an inch smaller. Also, Heller teaches it is old and well known in the art of razors to shrink a razor head with regards to the area to be shaved. One skilled in the art would try/experiment with shrinking the

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razor head to 2/16 inches if the 3/16 inches proved to be too big for an intended use.

Also, there are a limited number of razor head width dimensions available to a person of ordinary skill in the art and it would have been obvious for this person skilled in the art to experiment/try with all of the dimensions within this range. There is a point where the blade is too big and there is a point where the blade is too small, this creates the limited range.

With regards to the combination of Heller in view of Lamb, Lamb teaches to Heller it is old and well known to incorporate an ergonomically hour-glass shaped grip portion. It would have been obvious to one skilled in the art to have incorporated portion 12 of Heller with an hour-glass shaped grip portion. In response to the examiner making an inconsistent argument, the examiner used item 10 as a generic handle label for the rejection. It is clear that handle 10 incorporates upper portion 100, middle portion 101, and lower portion 102 which further includes grip portion 12. All of the portions encompassing item 10 are capable of being gripped and can be considered handle portions. Making grip portion 12 of handle 10 ergonomically hour-glass shaped would not interfere with the intended use. One skilled in the art clearly knows that it is old and well known in the art of handles for all types of tools to incorporate an ergonomic handle.

Heller in view of Lamb further in view of Heinrich clearly disclose a razor head capable of being disposed of. As previously stated, all things are disposable. The fact that an item is disposable is an intended use of the item. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed

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invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The head of Heinrich is capable of being disposed of. The Heinrich razor was patented in 1938 and if produced and, using appellant's logic, each and every razor head 10 is still in original owner's possession because they are not disposable. Junk yards are full of luxury cars that were disposed of by the owners and demolition crews dispose of skyscrapers and other building everyday. Another example, a competitor could come in and claim word for word the same structure as the instant application but include the phrase "wherein the razor head is not disposable" and, with appellant's logic, this would not infringe on the instant application regardless that the exact same razor structure has been claimed. However, due to the fact that being disposable is an intended use, this is not the case. All things are disposable.

Heller in view of Lamb further in view of Heinrich clearly disclose a razor head that is pivotally mounted on the handle. In order for the razor head portion to be mounted onto the handle portion in Heinrich the head must pivot about shaft 13. It is noted that the features upon which applicant relies (i.e., pivot joint) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Smith clearly teaches to Hollinger a substantially hour-glass shaped handle. Smith clearly teaches a "substantially" hour glass shaped razor handle.

In conclusion, all of the rejections are proper and do meet each and every limitation as required by 35 U.S.C. 103(a).

It is also noted that many of the arguments disclosed in the Appeal Brief occur more than once. The examiner only addressed each argument once.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

23 April 2008

/Jason Prone/

Primary Examiner, Art Unit 3724

Conferees:

Boyer D. Ashley

/Boyer D. Ashley/
Supervisory Patent Examiner, Art Unit 3724

Allan N. Shoap

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Special Programs Examiner, TC 3700